



University of Baltimore Law Review

Volume 45
Issue 1 Fall 2015

Article 1

2015

University of Baltimore Law Review Volume 45 Number 1 Fall 2015 Front Matter

Follow this and additional works at: <http://scholarworks.law.ubalt.edu/ublr>



Part of the [Law Commons](#)

Recommended Citation

(2015) "University of Baltimore Law Review Volume 45 Number 1 Fall 2015 Front Matter," *University of Baltimore Law Review*: Vol. 45: Iss. 1, Article 1.

Available at: <http://scholarworks.law.ubalt.edu/ublr/vol45/iss1/1>

This Article is brought to you for free and open access by ScholarWorks@University of Baltimore School of Law. It has been accepted for inclusion in University of Baltimore Law Review by an authorized administrator of ScholarWorks@University of Baltimore School of Law. For more information, please contact snolan@ubalt.edu.

UNIVERSITY OF BALTIMORE LAW REVIEW



The University of Baltimore comprises: (1) the Yale Gordon College of Arts and Sciences, which awards the B.A., B.S., M.A., M.S., and M.F.A. degrees in addition to graduate certificates; (2) the School of Law, which awards the Juris Doctorate, the LL.M. in Taxation, and the LL.M. in the Law of the United States degrees; (3) the Merrick School of Business, which awards the B.S., M.B.A., and M.S. degrees, as well as undergraduate and graduate certificates; and (4) the College of Public Affairs, which awards the B.A., B.S., M.A., M.S., M.P.A., and D.P.A. degrees, as well as undergraduate and graduate certificates. The University's classrooms, libraries, and social and administrative buildings are located in midtown Baltimore.

The University of Baltimore and its School of Law opened in 1925. On September 1, 1970, the University of Baltimore School of Law merged with and acquired what was previously known as the Mount Vernon School of Law of Eastern College, which was founded in 1935.

The University of Baltimore School of Law has both a day and an evening division. The day division offers a full-time, three-year program leading to the Juris Doctorate degree upon satisfactory completion of 87 semester hours of work. The evening division has a four-year Juris Doctorate degree program also requiring satisfactory completion of 87 semester hours. In addition, the School of Law offers an LL.M. in Taxation program and an LL.M. in the Law of the United States program.

The University of Baltimore is regionally accredited by the Middle States Association of Colleges and Schools. The School of Law is accredited by the American Bar Association and holds membership in the Association of American Law Schools.

In the winter term of 1971, the School of Law created the *University of Baltimore Law Review*. Editor in Chief Richard H. Mosse and Managing Editor Larry M. Polsky led a staff of nine founding members: Joseph L. Bocchini Jr., Vaughn C. Brennan, John P. Coale, Bruce W. Haupt, Michael J. Kananack, Gerald B. Lascher, Keith E. Mathews, Claudette A. Pelletier, and Paul W. Rosenbaum.

Today the *University of Baltimore Law Review* is an established scholarly legal journal, edited and published by students at the University of Baltimore School of Law under the direction of a student Editorial Board. The *University of Baltimore Law Review* has published forty-four volumes to date.

The *University of Baltimore Law Review* (ISSN: 0091-5440) is published three times a year. Subscriptions are available for \$15.00 per year (plus \$2.00 for foreign mailing), payable in advance. Members of the Maryland Bar Association are entitled to subscriptions for \$10.00 per year, payable in advance.

Communications concerning subscriptions, business matters, and permission to reprint materials contained in the *Law Review* should be addressed to Business Editor, *University of Baltimore Law Review*, University of Baltimore School of Law, 1420 N. Charles St., Baltimore, MD 21201-5779; 410-837-4489; or UBLawreview@ubalt.edu. Back issues can be ordered from William S. Hein & Co., Inc., 1285 Main St., Buffalo, NY 14209, 800-828-7571; they are available in electronic format through HeinOnline, <http://heinonline.org>.

Subscriptions are renewed automatically absent timely notice of termination. All notifications of change of address should include both the old address and the new address. Unless a claim is made for nonreceipt of the *Law Review* issue within six months after the mailing date, the *Law Review* cannot be responsible for supplying the issue without charge.

The *Law Review* invites the submission of articles. Manuscripts submitted for publication should conform to *The Bluebook, A Uniform System of Citations* (20th ed. 2015).

The views expressed in this volume are those of the authors and do not necessarily reflect the policies or opinions of the *Law Review*, its editors and staff, or the University of Baltimore.

ATTENTION LAW REVIEW ALUMNI

In an ongoing effort to increase and facilitate communication between *University of Baltimore Law Review* alumni and current members of the journal, we ask that all alumni contact the *University of Baltimore Law Review* at UBLawreview@ubalt.edu and provide the following information: name, year(s) on *Law Review*, address, phone number, email address, and current employment.

Copyright © 2015 by the *University of Baltimore Law Review*. All rights reserved.

SCHOOL OF LAW

Administrative Officers

Kurt L. Schmoke, President, University of
Baltimore, B.A., J.D.
Ronald Weich, Dean, School of Law, B.A., J.D.
Amy E. Sloan, Associate Dean of Academic B.J.,
J.D.

Adeen Postar, Law Librarian, B.A., J.D., MLIS
Stephen J. Wilson, Assistant Dean for Finance Administration,
B.S., M.B.A.
Victoria Schultz, Associate Dean for Administration, B.A., J.D.

Faculty

Professor José F. Anderson, B.A., J.D.
Assoc. Professor Barbara A. Babb, B.S., M.S., J.D.
Assoc. Professor John Bessler, B.A., J.D., M.F.A.
M.ST.
Professor Robert L. Bogomolny, A.B. LL.B.
Assoc. Professor Fred B. Brown, B.S., J.D., LL.M.
Assoc. Professor Kimberly Brown, B.A., J.D.
Professor Philip J. Closius, B.A., J.D.
Assoc. Professor Gilda Daniels, B.A., J.D.
Senior Fellow, Gloria Danziger, B.A.,
M.Phil, J.D.
Professor Steven A. G. Davison, B.S., J.D.
Assoc. Professor Amy Dillard, B.A., J.D.
Assoc. Professor Gregory Dolin, B.A., J.D.,
M.D.
Professor Eric Easton, B.S., J.D., Ph.D.
Professor Garrett Epps, B.A, M.A, J.D, LL.M.
Clinical Fellow Michelle Ewert, B.A., M.P.P.,
J.D.
Professor Wendy Gerzog, B.A., M.A., J.D., LL.M.
Professor Michele E. Gilman, B.A., J.D.
Assoc. Professor Nienke Grossman, B.A., J.D.,
LL.M.
Dean Julius Isaacson Professor of Law Steven P.
Grossman, B.A., J.D., LL.M.
Clinical Fellow M. Eve Hanan, B.A., M.A., J.D.
Professor Daniel L. Hatcher, B.B.A., J.D.
Clinical Teaching Fellow Renee Hatcher B.A.,
J.D.
Professor Cassandra Jones Havard, B.A., J.D.
Assoc. Professor Michael Hayes, B.S., J.D.
Dean Joseph Curtis Professor of Law F. Michael
Higginbotham, A.B., J.D., LL.M.
Assoc. Professor William Hubbard, B.A., J.D.
Ass't Professor David Jaros, B.A., J.D., M.P.P.
Assoc. Professor Margaret Johnson, B.A., J.D.
Ass't Professor Elizabeth Keyes, B.A., M.P.A.,
J.D.
Visiting Ass't Professor Jennifer Kim, B.A., J.D.
Assoc. Professor Dionne L. Koller, B.A., M.A.,
J.D.
Clinical Fellow Allison Korn, B.A., J.D.
Professor Rebecca Korzec, B.A., J.D.
Venable Professor of Law Robert H. Lande, B.A.,
J.D., M.P.P.

Professor Kenneth Lasson, A.B., J.D., M.A.
Ass't Professor Jaime Alison Lee, B.A., J.D.
Ass't. Professor Matthew Lindsay, B.A., M.A., J.D.
Professor John A. Lynch, Jr., B.A., J.D., LL.M.
Assoc. Professor James Maxeiner, B.A., J.D., LL.M.,
Dr. jur.
Visiting Ass't Professor Hugh McClean, B.A., J.D.,
LL.M.
Professor Audrey McFarlane, A.B., J.D.
Professor Emerita Lynn McLain, B.A., J.D. Professor
DLA Piper Professor of Law Michael I. Meyerson,
B.A., J.D.
Assoc. Professor Nancy M. Modesitt, B.A., J.D.
Laurence M. Katz Professor of Law Jane C. Murphy,
B.A., J.D.
Assoc. Professor Odeana R. Neal, A.B., J.D.
Clinical Fellow Emily Torstveit Ngara, B.A., J.D.,
LL. M.
Professor Max Oppenheimer, B.S., J.D.
Associate Dean for Faculty Scholarship and Professor
Christopher J. Peters, B.A., J.D.
Ass't Professor Natalie Ram, A.B., J.D.
Professor Arnold Rochvarg, B.A., J.D.
Dean Gilbert A. Holmes Professor of Clinical
Theory and Practice Robert Rubinson, B.A., J.D.
Professor Elizabeth J. Samuels, A.B., J.D.
Professor Walter D. Schwidetzky, B.A.,
M.B.A., J.D., LL.M.
Professor Mortimer Sellers, A.B., J.D., B.C.L.,
D.Phil.
Professor Charles B. Shafer, B.A., J.D., LL.M.
Professor Stephen J. Shapiro, B.A., J.D.
Ass't Professor Matiangai V. S. Sirleaf, B.A., M.A.,
J.D.
Professor Amy E. Sloan, B.A., J.D.
Judge-in-Residence Frederic N. Smalkin, B.A., J.D.
Ass't Professor Colin Starger, B.A., J.D.
Professor Donald H. Stone, B.A., J.D.
Professor Charles Tiefer, B.A., J.D.
Assoc. Professor Angela M. Vallario, B.S., J.D.,
LL.M.
Assoc. Professor Byron L. Warnken, B.A., J.D.
Dean Ronald Weich, B.A., J.D.
Professor Barbara Ann White, B.A., M.A., Ph.D.,
J.D.

Adjunct Faculty

Anthony Agnone, B.A., J.D..
John Ashley, B.A., J.D.
James Astrachan, B.S., J.D., LL.M.
Hon. Shannon Avery, B.S., J.D.
Andrew Baida, B.A., J.D.
Rignal Baldwin, B.A., J.D.
Cathy A. Barchi, B.A., J.D.
Hon. Lynne Battaglia, B.A, M.A, J.D.
Michael Belsky, B.A., J.D.
Michael W. Bender, LL.M.
Michael Berman, B.A., M.A., J.D.
H. Allen Black, III, B.S., J.D.
Wade Boswell, B.A., J.D.
Kevin Bress, B.A., J.D., LL.M.
Russell Butler, B.A., J.D.
Kathleen Cahill, B.A., J.D.
Louise Carwell, B.A., J.D.
Ronald Cherry, B.A., J.D.
Martin J. Clarke, B.A., J.D.
Eileen Coen, J.D.

Amanda S. Conn, B.A., J.D
Ellen Cooper, B.A., M.A., J.D.
J. Mark Coulson, B.A., J.D.
J. Joseph Curran, LL.B.
Hon. Howard A. Dawson, B.S., J.D.
Robin Denick, B.A., J.D.
Claudia Diamond, B.A., J.D.
Thomas DiBiagio, B.A., J.D.
Neil Dilloff, B.A, J.D.
Neil Duke, B.A., J.D.
Erin Murphy Ehman, B.A., J.D.
Arturo Estrada, B.B.A., J.D.
Charles Fax, B.A., J.D.
Aron Finkelstein, B.A., J.D.
Hon. Maurice B. Foley, B.A., J.D., LL.M.
Sean Foley, B.A., J.D.
Deborah Ford, B.A., M.A., M.B.A., Ph.D.
Nancy Forster, B.A., J.D.
Jason Frank, B.A., J.D.
Byron Franklin, B.S., J.D.

Master Theresa Furnari, B.S., J.D.
 Hon. Lenore Gelfman, B.A., J.D.
 Pamela Genise, B.A., J.D.
 Frank D. Giorno, B.A., J.D., LL.M.
 Hon. John Glynn, B.A., J.D.
 David B. Goldstein, B.A., M.A., J.D.
 Francis J. Gorman, B.A., J.D.
 Hon. John Gossart, Jr., B.S., J.D.
 Victoria Grace, B.S., M.S., J.D.
 Brian Green, B.S., J.D.
 D. Jill Green, B.A., J.D.
 Bonnie Greenberg, J.D.
 Jonathan Greenstein, B.A., J.D., LL.M.
 Hon. Paul Grimm, B.A., J.D.
 Jesse Halvorsen, B.A., J.D.
 Samuel D. Handwerker, M.S., LL.M.
 Murphy Hartford, B.A., J.D.
 Stephen Hawtof, J.D.
 John Henderson, J.D.
 Hon. John Hennegan, B.S., J.D.
 Jeffrey Herwig, J.D.
 Lee A. Hopkins, B.A., J.D.
 Hobbs Horak, B.A., M.Ed., J.D.
 William H. Jones, J.D.
 Katrina C. Kamantaukas-Holder, B.A., J.D.
 Robert Kamenshine, B.A., J.D.
 William W. Kanwisher, B.A., J.D.
 Stuart Kaplow, B.A., J.D.
 Robert Kasunic, B.A., J.D.
 Jennifer L. Kent, B.S., J.D.
 Hon. Brian G. Kim, B.A., J.D.
 Bonnie Kirkland, B.A., J.D.
 Brian Kleinbord, J.D.
 Ari J. Kodec, B.S., J.D.
 Hon. Frank Kratochvil, J.D.
 James Paul Krawczyk, Jr., B.S., J.D.
 Richard T. LaFata, B.A., J.D.
 Sheldon H. Laskin, B.A., J.D., LL.M.
 Paul C. Latchford, J.D.
 Gregory Lawrence, B.S., J.D.
 Hon. Benson Legg, B.A., J.D.
 John Leovy, B.A., M.A., J.D.
 Cheri Levin, A.B., J.D.
 Darin S. Levine, B.A., J.D.
 Stuart Levine, B.A., J.D., LL.M.
 Hon. Dana Levitz, B.A., J.D.
 Hon. George M. Lipman, B.A., J.D.
 Adam Lippe, J.D.
 Mary Jo Livingston, J.D.
 Richard C. Loeb, B.A., J.D.
 Jeffrey Markowitz, B.S., J.D.
 Bruce P. Martin, B.A., J.D.
 Susan Mathias, A.B., J.D.
 Hon. J. Bernard McClellan, B.A., J.D.
 Robert S. McCord, B.A., J.D.
 Stacey McCormack, B.A., J.D.
 Leigh Melton, B.A., J.D.
 Ronald V. Miller, Jr., B.S., J.D.
 Darren J. Mills, B.S., J.D.
 Hon. Patricia Mitchell, B.A., J.D.
 Scott Moeves, B.A., J.D.

Judith Moran, B.S., J.D.
 Hon. Diana Motz, B.A., J.D.
 Hon. Joseph Murphy, Jr., A.B., J.D.
 Alan Nemeth, B.S., J.D.
 Michele Nethercott, B.A., J.D.
 Lisa M. Ohrin, B.A., J.D.
 Patrick O'Malley, J.D.
 Pamela C. Ortiz, B.A., M.A., J.D.
 Albert Palewicz, B.A., J.D.
 Linda T. Penn, J.D.
 Robert Pomerance, B.A., J.D., LL.M.
 Ira Raines, B.A., J.D.
 Gregory Rapisarda, B.S., J.D.
 Donald Rea, J.D.
 Scottie Reid, B.A.
 Michael Rexroad, J.D.
 John Richowsky, B.A., M.A., Ph.D., J.D.
 Stuart Rombro, B.A., J.D.
 Delegate Samuel I. Rosenberg, B.A., J.D.
 Rod Rosenstein, B.S., J.D.
 Robert L. Roth, B.A., J.D.
 Tamara D. Sanders, B.A., J.D.
 Christopher Schoen, J.D.
 Robert Scott, B.A., J.D.
 Hon. Mark F. Scurti, B.A., M.A., J.D.
 Ren Serey, J.D.
 Marc E. Shach, B.S., M.B.A., J.D.
 Denise O. Shaffer, B.A., J.D.
 Donna Shearer, B.A., J.D.
 Daniel Shemer, J.D.
 Mary Shock, B.A., J.D.
 Daryl J. Sidle, J.D.
 Ephraim R. Siff, J.D.
 Charles L. Sindler, J.D.
 Andrew Sindler, B.A., J.D.
 Andrew Slutkin, B.S., J.D.
 John B. Snyder III, J.D.
 Stephen Snyder, J.D.
 Jerry Sopher, J.D.
 Lisa Sparks, B.A., J.D.
 Michael Spekter, J.D.
 Andrew T. Stephenson, J.D.
 Larry Strauss, B.A., J.D., LL.M.
 Hon. Stephen Swift, B.A., J.D.
 Mark Talty, J.D.
 Gabriel Terrasa, B.S., J.D.
 Hon. Hope Tipton, J.D.
 Will Tress, B.A., M.A., M.L.S., J.D.
 Ralph S. Tyler, J.D.
 Darrell VanDeusen, B.A., J.D.
 Marie Vasbinder, J.D.
 Thiruvendran Vignarajah, B.A., M.A., J.D.
 Scott Walchak, B.A., J.D.
 Paul Walter, LL.B.
 Nicole M. Whitaker, J.D.
 Captain Raashid Williams, J.D.
 Mildeen G. Worrell, B.A., J.D., LL.M.
 Daria Zane, B.S., J.D.
 Robert Zarnoch, B.A., J.D.

Legal Skills Adjunct Faculty

Carol A. Bittner, J.D.
 Albert D. Copperthite, J.D.
 Claudia Diamond, J.D.
 Thomas Donnelly, J.D.
 Karen A. Ferretti, J.D.
 Hon. Lawrence Fletcher-Hill, J.D.
 Abigail Hill, J.D.
 Jeremy R. Krum, J.D.
 Jennifer M. Lear, J.D.
 Robert Lidston, A.B., M.A., Ph.D., J.D.
 Glenn T. Marrow, B.A., J.D.
 Ben Miller, J.D.

Patrick H. Murray, J.D.
 Renee Nacrelli, J.D.
 Karl A. Pothier, J.D.
 George F. Ritchie, J.D.
 William G. Simmons, J.D.
 Maria R. Smalkin, J.D.
 Robert K. Taylor Jr., J.D.
 Michael Torres, J.D.
 Jeffery Uthermohle, J.D.
 Carrie J. Williams, J.D.
 Michelle K. Wilson, J.D.

GRADUATE TAX PROGRAM

Governing Committee

Darlene Brannigan Smith, Dean, Robert G. Merrick
School of Business, Ph.D.
Fred B. Brown, Director, Graduate Tax Program
and Assoc. Professor of Law, B.S., J.D., LL.M.

Walter Schwidetzky, Professor of Law, B.A.,
B.A., J.D., LL.M.
John Sigler, Assoc. Professor of Accounting, A.B.,
M.S., M.B.A., J.D.

Faculty

Assoc. Professor Fred B. Brown, B.S., J.D., LL.M.
Professor Walter D. Schwidetzky, B.A., M.B.A., J.D.,
LL.M.

Assoc. Professor John N. Sigler A.B., M.S., M.B.A.,
J.D.

Adjunct Faculty

Michael Bender, J.D.
Kevin Bress, J.D., M.S.
Hon. Howard A. Dawson
Robin Denick, B.A., J.D., LL.M.
Arturo Estrada, J.D.
Hon. Maurice B. Foley, B.A., J.D., LL.M.
Jonathan Greenstein, J.D.
Samuel D. Handwerger, M.S., LL.M.
Katrina C. Kamantaskas-Holder, B.A., M.A.,
J.D.
Sheldon Laskin, B.A., J.D., LL.M.

Jeffrey A. Markowitz, B.S.,
Darren Mills, J.D.
Scott Moeves, B.A., J.D.
Stuart Rombro, J.D.
Christopher Schoen, J.D.
Daryl J. Sidle, B.A., M.A., J.D.
John Snyder, III, J.D.
Larry Strauss, J.D., M.S.T.
Hon. Stephen Swift, J.D.
Mildreen Worrell, B.A., J.D., LL.M.-Tax

LL.M. IN THE LAW OF THE UNITED STATES

International Legal Education Committee

F. Michael Higginbotham, Wilson H. Elkins
Professor of Law, B.A., J.D., LL.M.
Ass't Professor Nienke Grossman, B.A., J.D., LL.M.

Professor Steven Grossman, A.B., J.D., LL.M.
Professor Odeana Neal, A.B., J.D., M.A.
Professor Stephen J. Shapiro, A.B., J.D.

UNIVERSITY OF BALTIMORE

LAW REVIEW

VOL. 45

2015-2016

EDITORIAL BOARD

Editor in Chief

Nicole Kozlowski

Managing Editor

Sonya Walker

Production Editors

Katherine Bloom

Catherine Florea

Christopher Monte

Lauren Wood

Articles Editor

Alexander Castelli

Executive Editor

Meaghan Vernick

Business Editor

Lauren Lake

Comments Editor

Meredith Boram

Symposium Editor

Samantha Ardinger

Technology Editor

Jacob Deaven

ASSOCIATE EDITORS

Michael Berman

Paul Burgin

Emily Greene

Alexandra Queener

Kris Vallecillo

Michael Brook

M. Olivia Fogarty

Lawrence Rachuba

Edward Richardson

STAFF EDITORS

Taylor Beckham

Brittany Favazza

Logan Haarz

H.C. Jones III

Rebekah Mears

Alexander Powell

Lisa Walker

Christopher Burns

Shannon Clancy

Laura Cress

Christopher Finke

Stuart Goldberg

Daniel Huchla

Michele Lambert

Joseph McCully

Rachele Norfolk

Jay Patel

Jackson Protzman

Kirsten Smulovitz

Kristin Tracy

Graham Bennie

Nicholas Fearnow

Allen Honick

Nida Kanwal

Devon Miller

Kelly Raynaud

Tiffany Ashton

Stanley Carignan

Anna Clark

Elizabeth Danquah-Brobby

Sean Fox

Preston Heck

Erik Johnson

Marie Langlois

Rachel Melchor

Aiste Palskyte

Abigail Pearlman

Elizabeth Reinecke

Hillary Soper

Ben Weathers

Ashley Ensor

Thomas Geddes

Alex Hughes

Frank Lozupone

Philip Motsay

Brittany Strickland

Michael Bullock

Drew Chlan

Austin Cohen

Michael Elliker

Madison Frank

Julia Houpp

Ryan Knopp

Ilona Lashkevych

Thomas Newton

Leila Parker

Christian Piatt

Claire Robinson

Emily Steiner

Faculty Advisor

Venable Professor of Law Robert H. Lande

Faculty Advisor Emeritus

Professor Emeritus Eugene J. Davidson

Administrative Assistants

Karen T. DeVore

Barbara Fischer

UNIVERSITY OF BALTIMORE LAW REVIEW

VOL. FORTY-FIVE

FALL 2015

NUMBER ONE

ARTICLES

Video Games and NCAA Athletes: Resolving a Modern
Threat to the First Amendment

Alex Vlisides 1

Solving the Problem of Organ Donation Shortage

Nicole Saitta-Gill & Samuel D. Hodge, Jr. 29

Classifying Federal Taxes for Constitutional Purposes

Evgeny Magidenko 57

COMMENTS

Fraud and Defalcation by a Fiduciary: The Amorphous
Exception to Bankruptcy Discharge

H.C. Jones III 133

It's "Exhausting": Reconciling a Prisoner's Right to
Meaningful Remedies for Constitutional Violations
With the Need for Agency Autonomy

Allen E. Honick 155